

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARINO MAGANALLEZ & MARY
MAGANALLEZ,

No. C 06-07340 SI

Plaintiffs,

**ORDER RE: SECOND AMENDED
COMPLAINT**

v.

HILLTOP LENDING CORPORATION, et al.,

Defendants.

Via letter brief, plaintiffs: (1) seek additional time within which to file their Second Amended Complaint (“SAC”); and (2) seek guidance as to whether they may add new defendants and allegations to the SAC that are unrelated to the grounds upon which the Court dismissed portions of the First Amended Complaint (“FAC”). The first request appears moot, because in their letter brief response, defendants have agreed to allow plaintiffs to file the SAC one week after completion of Mr. Nguyen’s deposition. Accordingly, the Court GRANTS plaintiffs’ request for an extension to file the SAC; plaintiffs must file the SAC within one week of completion of Mr. Nguyen’s deposition.

With respect to plaintiffs’ second request, Federal Rule of Civil Procedure 15(a) provides that after initial amendment, “a party may amend the party’s pleading only by leave of court or by written consent of the adverse party” In dismissing the FAC, the Court granted plaintiffs leave to amend to attempt to cure deficiencies of certain claims; if plaintiffs wish to amend beyond the scope of that leave, they must comply with Rule 15(a), and seek written consent from defendants, or file a motion with the Court for leave to amend.

IT IS SO ORDERED.

Dated: July 2 , 2007



SUSAN ILLSTON
United States District Judge